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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,609	03/09/2004	Eiji Kato	FY.51042US1A	1785
20995 7590 07/26/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER WEBB, TIFFANY LOUISE	
			ART UNIT 3616	PAPER NUMBER
			NOTIFICATION DATE 07/26/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

## Office Action Summary

**Application No.**

10/796,609

**Applicant(s)**

KATO ET AL.

**Examiner**

Tiffany L. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-24 is/are allowed.
- 6) ☒ Claim(s) 1,5,8,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/9/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/28/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/2007 has been entered.

### ***Claim Objections***

2. Claim 25 objected to because of the following informalities: in line 2 "a read side" is believed to be a typographical error. The examiner suggests changing to "a rear side." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5, 8, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosuge (US 4,798,400). Regarding claim 1, Kosuge discloses an off-road vehicle having a frame (see Figure 3), a plurality of wheels, the plurality of wheels having at least one front wheel (10), and a prime mover (18) powering at least one of the wheels, the prime mover being mounted on the frame (see Figure 3), the frame having a plurality of frame portions including at least first, second and third frame portions that extend adjacent to the prime mover, the first and second frame (7, 7a, and

2) portions being disposed generally to the lateral sides of the prime mover with the third frame portion (7b) extending generally between said first and second frame portions, and a having a detachably affixed frame portion (23) that is detachably coupled to at least one of the first, second, and third frame portions (attached at the bottom of 2 and to 7, 7a at 7c) such that the detachably affixed frame portion can be detached from the frame while at least the first, second, and third frame portions remain supported by the at least one front wheel. Regarding claim 5, Kosuge discloses the prime mover being an engine (18). Regarding claim 8, Kosuge discloses each frame portion is formed with a tubular member or a generally U-shaped member (see Figures 1-3). Regarding claim 25, Kosuge discloses the third frame portion extends along a rear side of the prime mover (see Figure 3). Regarding claim 26, Kosuge discloses the detachably affixed frame portion is detachably affixed to at least one of the first and second frame portions (at lower side of 2 or at 7c).

5. Claims 1, 5, 8, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosuge (US 4,773,675). Regarding claim 1, Kosuge discloses an off-road vehicle having a frame (see Figure 1), a plurality of wheels, the plurality of wheels having at least one front wheel (see Figure 1), and a prime mover (20) powering at least one of the wheels, the prime mover being mounted on the frame (see Figure 1), the frame having a plurality of frame portions including at least first, second and third frame portions that extend adjacent to the prime mover, the first and second frame (6) portions being disposed generally to the lateral sides of the prime mover with the third frame portion (9) extending generally between said first and second frame portions, and a

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having a detachably affixed frame portion (8) that is detachably coupled to at least one of the first, second, and third frame portions (attached at third portion at 15) such that the detachably affixed frame portion can be detached from the frame while at least the first, second, and third frame portions remain supported by the at least one front wheel (see Figures 1 and 3). Regarding claim 5, Kosuge discloses the prime mover being an engine (20). Regarding claim 8, Kosuge discloses each frame portion is formed with a tubular member or a generally U-shaped member (see Figures 1-3). Regarding claim 25, Kosuge discloses the third frame portion extends along a rear side of the prime mover (see Figure 3). Regarding claim 26, Kosuge discloses the detachably affixed frame portion is detachably affixed to at least one of the first and second frame portions (at 12, 13 at lower side of 6).

***Allowable Subject Matter***

6. Claims 9-24 are allowed.


7. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

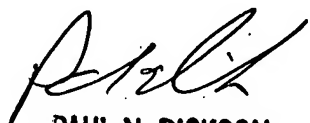
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tiffany L Webb  
Examiner  
Art Unit 3616

tlw

 7/18/07  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600